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PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:)
SEIJI TAKEUCHI, ET AL.) Examiner: R. Punnoose
Application No.: 10/733,359) Group Art Unit: 2877
Filed: December 12, 2003)
For: METHOD AND APPARATUS)
FOR MEASURING BIREFRINGENCE: April 24, 2006 (Monday)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated March 23, 2006, the Examiner entered a restriction requirement between the following six groups of claims.

Group I, Claims 1-9, 15 and 16, is drawn to a birefringence measuring apparatus in which birefringence of a sample is measured on the basis of a Stokes parameter from a Stokes meter.

Group II, Claim 10, is drawn to a birefringence measuring apparatus in which birefringence of a sample is measured on the basis of detected values at a plurality of light receiving portions.

Group III, Claim 11, is drawn to a birefringence measuring apparatus in which birefringence of a sample is measured on the basis of light passed through at least one polarizer and at least one phase-difference plate.

Group IV, Claim 12, is drawn to a birefringence measuring apparatus in which birefringence of a sample is measured without rotating the sample and at least one polarizer.

Group V, Claim 13, is drawn to a birefringence measuring apparatus in which only a circular polarization component is detected by a light receiving portion through a phase-difference plate and a polarizer is used for measuring birefringence.

Group VI, Claim 14, is drawn to a birefringence measuring apparatus in which a fourth light beam having the same polarization state as the output light from the sample is incident on phase-difference plate and a polarizer is used for measuring birefringence.

Applicants respectfully traverse the restriction requirement.


Applicants submit that the claims in the different groups are so closely related as to not require separate fields of search. A duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained. In addition, any nominal burden placed upon the Examiner to perform a search for the overall invention is outweighed by the public interest in not having to obtain and study separate patents that may issue from Applicants' invention if the restriction requirement is maintained.

Nevertheless, in order to comply with the requirements set forth in 37 C.F.R.

§ 1.143, Applicants provisionally elect, with traverse, to prosecute Group I, Claims 1-9, 15, and 16.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


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